



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William F. Avrin, et al.)
Application No.: 10/017,913) Art Unit
Confirmation No.: 7514) 3737
Filed: 10/29/2001)
For: Ferromagnetic Foreign Body Detection Utilizing)
Eye Movement)
Examiner: Eleni Mantis-Mercader)
Attorney Docket: MED/US-12)

AFFIDAVIT OF FREDERICK R. CHAMBERLAIN, IV

WHEREAS: Frederick R. Chamberlain, IV, is the inventor of the invention addressed by U. S. Pat. No. 5,610,518 (Chamberlain '518), titled METHOD AND APPARATUS FOR DETECTING SMALL MAGNETIZABLE PARTICLES AND FLAWS IN NONMAGNETIC CONDUCTORS; and

WHEREAS: U. S. Pat. No. 5,610,518 has been cited by the Examiner, as the primary reference in a rejection of the claims in U. S. Pat. App. No. 10/017,913, contending that it would have been obvious to a person skilled in the art to modify Chamberlain '518 to incorporate the use of a gaze fixation target as taught by U. S. Pat. No. 3,897,141 to Schocket (Schocket '141) to accurately diagnose the presence and location of a foreign body;

AFFIANT DECLARES AS FOLLOWS:

(1) I, Frederick R. Chamberlain, IV, am a person highly skilled in the art of magnetic detection of metal objects;

(2) As the inventor of Chamberlain '518, I am aware of its contents;

(3) I am aware of the contents of Schocket '141;

(4) Further, since long before the filing date of U. S. Pat. App. No. 10/017,913, I have been aware of other public uses and disclosures of the concept of moving the eye of a patient during an eye examination;

(5) In spite of my aforementioned expertise and knowledge, up until the time I was made aware of the disclosure of U. S. Pat. App. No. 10/017,913, it had never occurred to me to utilize eye movement in modifying my invention disclosed in Chamberlain '518; and

(6) The invention disclosed and claimed in U. S. Pat. App. No. 10/017,913 constitutes a valuable and long sought improvement in the efficacy of detection of foreign particles in the eye of a patient.

Frederick R. Chamberlain IV
Frederick R. Chamberlain, IV

ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On July 18, 2005, before me, WENDY ZAMUTT, Notary Public, personally appeared Frederick R. Chamberlain, IV, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

12-50714.aff

Wendy Zamutt

(Seal)

